



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Michael D. Jenkins
Serial Number : 09/858,082
Filing Date : May 15, 2001
For : Personal Communicator
Examiner/Art Unit : Temica M. Davis/2681

Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 19 2004

Technology Center 2600

Sir:

This Amendment is in response to the Notice of Non-Compliant Amendment
mailed June 30, 2004.

Respectfully submitted,

JAMES J. RALABATE
Reg. No. 19,211
Attorney for Applicant
5792 Main Street
Williamsville, NY 14221
(716) 634-2280

Date Mailed: July 13, 2004
Certificate of Express Mail attached.



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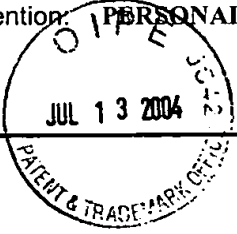

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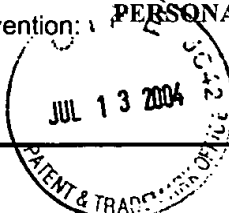

Technology Center 2600

This is in response to the Office Action mailed May 10, 2004. Please make the following amendments:

7-14-04 (2)

2681

AMENDMENT TRANSMITTAL LETTER (Small Entity)					Docket No. X0105A	
Applicant(s): XYBERNAUT CORPORATION						
Application No. 09/858,082	Filing Date 5/15/01	Examiner TEMICA M. DAVIS	Customer No.	Group Art Unit 2681	Confirmation No.	
Invention: PERSONAL COMMUNICATOR						
			RECEIVED JUL 19 2004 Technology Center 2600			
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is an amendment in the above-identified application.						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	-	20 =	0 x	\$9.00	\$0.00	
INDEP. CLAIMS	-	3 =	0 x	\$43.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-0080 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.						
 Signature			Dated: JULY 13, 2004			
JAMES J. RALABATE REG. NO. 19,211 5792 MAIN STREET WILLIAMSVILLE, NY 14221 (716) 634-2280			I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
CC:			Signature of Person Mailing Correspondence			
			Typed or Printed Name of Person Mailing Correspondence			

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): XYBERNAUT CORPORATION			Docket No. X0105A	
Application No. 09/858,082	Filing Date 5/15/01	Examiner TEMICA M. DAVIS	Customer No.	Group Art Unit 2681
Invention: PERSONAL COMMUNICATOR			<div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="font-weight: bold;">JUL 19 2004</div> <div style="font-weight: bold;">Technology Center 2600</div>	
<div style="float: left; width: 30%;"></div> <div style="clear: both;"></div> <p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;">AMENDMENT IN RESPONSE TO THE NOTICE OF NON-COMPLIANT AMENDMENT</div> <p style="text-align: center; font-size: 0.8em;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <div style="margin-top: 20px;"><div style="text-align: center;"><u>JULY 13, 2004</u> <i>(Date)</i></div><div style="margin-top: 40px; text-align: center;"><u>JAMES J. RALABATE</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> <div style="margin-top: 20px;"><u>EV 394762537 US</u> <i>("Express Mail" Mailing Label Number)</i></div></div></div>				
Note: Each paper must have its own certificate of mailing.				